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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

I.T.R. No.175 of 1989

Date of decision: 16.1.2007.

Smt.Gulshan Khanna **...Petitioner**

Versus

The Commissioner of Income-tax, Amritsar

...Respondent

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE RAJESH BINDAL

Present: None for the petitioner.
Mr.Sanjiv Bansal, Advocate for the revenue.

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RAJESH BINDAL,J.

Following questions of law have been referred for opinion of this Court by the Income Tax Appellate Tribunal, Amritsar Bench, Amritsar arising out of its order dated 15.3.1982 passed in I.T.A.No.242(ASR)/1981, in respect of the assessment year 1977-78.

1. Whether the words 'profits and gains' from Life Insurance Business in section115-B of the Income-Tax Act, 1961, include the income of an assessee from the agency commission business i.e. insurance agent's commission from Life Insurance?
2. Whether on the facts and circumstances of the case, the assessee as an agent was not carrying on the Life Insurance business so as to derive the benefit of section 115B of the Income-tax Act?

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When the case was called out for hearing, none appeared for the assessee. In the absence of any representation on behalf of the assessee, we do not consider it appropriate to go into the merits of questions of law referred.

The reference is thus returned unanswered.

(Rajesh Bindal)
Judge

January 16 ,2007 **(M.M.Kumar)**
Pka **Judge**